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REMARKS

Claims 1, 2, 4, 6 to 19, 21 to 23, 26 and 28 are pending in this application. Claims 1, 15, 18, 23 and 26 are the independent claims. Claims 3, 5, 16, 20, 24, 25 and 27 are cancelled without prejudice. Favorable reconsideration and further examination are respectfully requested.

Applicant has included the limitations of cancelled claim 3 and claim 5, which previously depended on claim 3, in Independent claim 1; included the limitations of cancelled claim 16 in Independent claim 15; included the limitations of cancelled claim 20 in Independent claim 18, included cancelled claims 24 and 25 in claim independent claim 23; and included cancelled claim 27 in Independent claim 26.

Claims 1, 6 to 10, 14, 18, 21, 26 and 29 were rejected under 35 U.S.C. § 102(e) as being anticipated by Cranor et al. (U.S. Patent Number 7,165,100 hereinafter "Cranor"). Claims 3 to 5, 15, 19, 20, 24, 25 and 27 were rejected under 35 U.S.C. § 103(a) as being obvious over Cranor in view of Liberty ("Sam's Teach Yourself C++ in 10 Minutes" hereinafter "Liberty"). Claims 11 to 13, 15, 17 and 23 were rejected under 35 U.S.C. § 103(a) as being obvious over Cranor.

Claim 1 is directed to a method that includes processing network traffic using a first program. The first program containing a first interface instance having a first behavior. The method also includes detecting a first condition and generating a second program. The second program contains a second interface instance having a second behavior. The generation of the second program includes selecting the second interface instance from a plurality of interface

instances for inclusion in the second program and loading the second program for use in processing network traffic. The method further includes processing network traffic using the second program. Generating the second program includes using a linker to interpret a switch statement in a master program to locate the second interface instance and remove one or more interface instances other than the second interface instance from the master program.

The applied art is not understood to disclose or to suggest the foregoing features of claim 1. In particular, none of the cited taken separately or in combination disclose or suggest a linker to interpret a switch statement in a master program to locate the second interface instance and remove one or more interface instances other than the second interface instance from the master program.

As indicated by the Examiner, Cranor does not disclose or suggest interpreting a switch statement in a master program to locate a second interface instance and removing one or more interface instances other than the second interface instance from the master program (see page 5 of the Office Action). The Examiner has also indicated that Cranor discloses a linker (see page 6 Office Action). However, Applicant respectfully submit that the Examiner has failed to recognize that claim 5 depends on claim 3 so that the Examiner has erred by failing to show in the art a linker to interpret a switch statement in a master program to locate the second interface instance and remove one or more interface instances other than the second interface instance from the master program.

Examiner indicates that Cranor teaches compiling and therefore inherently teaches linking (see page 6 of the Office Action). If the Examiner is suggesting that a linker inherently interprets a switch statement in a master program to locate a second interface instance and

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removes one or more interface instances other than the second interface instance from the master program, Applicants respectfully request that the Examiner provide support (See MPEP 2112 Section IV). The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic (see In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993); In re Oelrich, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981)). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is <u>necessarily</u> present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient' " (emphasis added, see In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)).

The Examiner does indicate that a person of ordinary skill in the art would have found obvious in Cranor to remove one or more interface instances other than the second interface instance from the master program (page 6 of the Office Action); however, even if such an interpretation was made, the Examiner has failed to show that a linker is used in removing one or more interface instances other than the second interface instance from the master program. Therefore, Cranor does not disclose or suggest a linker to interpret a switch statement in a master program to locate the second interface instance and remove one or more interface instances other than the second interface instance from the master program as recited in claim 1.

The Examiner cites Liberty to make up for the deficiency in Cranor of not disclosing or suggesting interpreting a switch statement in a master program to locate a second interface instance (see page 5 of the Office Action). Applicants respectfully submit that Liberty does not

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disclose or suggest a linker much less a linker to interpret a switch statement in a master program to locate the second interface instance and <u>remove one or more interface instances other than the second interface instance from the master program</u> as recited in claim 1 (emphasis added).

Accordingly, for at least the reasons indicated above, even if Liberty were combined with Cranor, the resulting hypothetical combination would not disclose or suggest a linker to interpret a switch statement in a master program to locate the second interface instance and remove one or more interface instances other than the second interface instance from the master program.

Moreover, the combination of the cited references in the manner suggested by the Examiner is a hindsight reconstruction made possible only by a reading of Applicants' specification and claims. For example, no where in the cited art has the Examiner provided a linker to interpret a switch statement in a master program to locate the second interface instance and remove one or more interface instances other than the second interface instance from the master program nor such a linker be obvious to one of ordinary skill the art.

Claims 15, 18, 23 and 26 have corresponding features to claim 1. Applicants submit that the Cranor and the Liberty references should also be withdrawn with respect to claims 15, 18, 23 and 26 for at least the same reasons as claim 1.

For at least the foregoing reasons, Applicants request withdrawal of the art rejection.

Applicants submit that all dependent claims now depend on allowable independent claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above

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may not be exhaustive, there may be reasons for withdrawing the prior art cited with regards to any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

It is submitted that this amendment places the application in condition for allowance or in better form for consideration on appeal, and thus, entry of this amendment is respectfully requested under the provisions of 37 C.F.R. §1.116.

Applicants' attorney can be reached by telephone at (781) 401-9988 ext. 123.

No fee is believed to be due for this Response; however, if any fees are due, please apply such fees to Deposit Account No. 50-0845 referencing Attorney Docket: INTEL-050PUS.

Respectfully submitted,

Date: <u>May 27, 2008</u>

Anthony T. Moosey
Reg. No. 55,773

Attorneys for Intel Corporation
Daly, Crowley, Mofford & Durkee, LLP
354A Turnpike Street - Suite 301A
Canton, MA 02021-2714
Telephone: (781) 401-9988 ext. 123
Facsimile: (781) 401-9966